GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – PR&RD Department – Allegation of corruption and misappropriation of Government funds under various schemes by Sri M. Kotaiah, former Senior Assistant, MP, Vinjamur, Nellore District (now retired) - Placed before TDP under Rule-3 of the APCS (DPT)Rules, 1989 – Inquiry completed and IR communicated – Imposition of penalty withholding 20% (twenty percent) pension permanently – Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG-II) DEPARTMENT

G.O.Rt.No.853. **Dated:12-10-2022.**

Read the following:-

1) Govt.Memo.No.385/VS-I/A2/2003-2 PR&RD(VS-I)Dept.,dt:16-6-2003.
2) From the Secretary, Tribunal for Disciplinary Proceedings, Lr.Dis.No. S/13/2009, Dated:9-12-2009.
3) Govt.Memo.No.385/Vig.IA/2003-9, PR&RD(Vig.IA)Dept., Dt:18-3-2010.
4) Explanation submitted by Sri M. Kotaiah, former Senior Asst. MP, Vinajamur, Nellore District dt:14.12.2010.
5) Govt.Memo.No.385/Vig.II/2003-40, PR&RD(Vig.II)Dept.dt:10.03.2021.
6) From Engineer-In-Chief, PR, Vijayawada, Lr.No.Vig.III(1)/062016/ 2016, dated:01.11.2021.
7) Govt.Letter No.385/Vig.II/2003-39,41 & 42 PR&RD(Vig.II)Dept., Dt:10.11.2021, 23.05.2022 & 13.07.2022.
8) From Secretary (FAC) O/o APPSC File No.GAD03-APPSC0DCC /35/2022-DC SEC-APPSC Computer No.1751443, dated:03.06.2022 & 16.09.2022.

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ORDER:

In the reference 1st read above, Sri M. Kotaiah, former Senior Assistant, MP, Vinjamur, Nellore District (now retired) was placed on his defence before the Tribunal for Disciplinary Proceedings to conduct inquiry into the allegations of corruption and misappropriation of Government funds under Rule-3 of A.P. Civil Services (Tribunal for Disciplinary Proceedings) Rules, 1989.

2. In the reference 2nd read above, the Secretary, Tribunal for Disciplinary Proceedings, Hyderabad has furnished the enquiry report in this matter in TEC No.150 of 2003 on the file of II Member of Tribunal for Disciplinary Proceedings, Hyderabad against Sri M. Kotaiah, former Senior Assistant, MP, Vinjamur, Nellore District (now retired). The Charge No.1 & 4 are held proved, in the inquiry by TDP. A copy of the Inquiry Report of the Tribunal for Disciplinary Proceedings, Hyderabad was communicated to Sri M. Kotaiah, former Senior Assistant, MP, Vinjamur, Nellore District (now retired) directing him to submit his explanation, if any, on the findings of the TDP Inquiry Report vide reference 3rd read above.

3. In the reference 4th read above, Sri M. Kotaiah, former Senior Assistant, MP, Vinjamur, Nellore District (now retired) has submitted his explanation on the findings of the Inquiry Report of TDP. The contentions of the Charged Officer in respect of Charge No.1, it is observed that though the

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MPDO has self-issued and drawn the cheque for an amount of Rs.31,416/- the connivance of the CO with the MPDO in mis-appropriation of Rs.31,416/- is held proved in the Inquiry by TDP. The contention of the CO in his representation against the findings of TDP in respect of this charge merits no consideration and liable for rejection. In respect of charge No.2, it is observed that there is no actual misappropriation of funds. The amount of Rs.2475/- was kept with the CO from the date of encashment on 02-05-2002 to the date taking fresh DD on 24-05-2002 i.e., a period of 3 weeks. In this regard the contentions of the CO in his representation on the findings of TDP may be considered. In respect of charge No.3, the Chairman TDP, in the Inquiry Report has held that this charge against the Charged Officer is not held proved. In respect of Charge No.4, the contention may not be accepted. Though the individual alone is not responsible for misappropriation of amounts this was occurred with the connivance of the Charged Officer along with other staff, and the Charged Officer is guilty of improper maintenance of Registers and Cash Book in accordance with rules and Treasury Code instructions. Hence, the representation of the individual in respect of this charge is liable for rejection.

5. Government, after examination of the representation submitted by Sri M. Kotaiah, former Senior Assistant, MP, Vinjamur, Nellore District (now retired) on the findings of the Inquiry Report of TDP, it is decided to reject, as there is no merits for consideration. Hence, it is hereby rejected.

6. Government after examining the matter, keeping in view of findings of Inquiring Authority, it has been provisionally decided to impose a major penalty of withholding 20% (twenty percent) pension permanently on Sri M. Kotaiah, former Senior Assistant, MP, Vinjamur, Nellore District (now retired), in this matter and accordingly Govt. vide reference 5th read above, issued a show cause notice as to why the above penalty should not be imposed on him under Rule 9 of APRPR, 1980. But no explanation has been received from Charged Officer so far in reply to the show cause notice issued. It is therefore considered to proceed further and obtained the concurrence of APPSC vide reference 8th read above.

7. Government, after careful examination of the matter hereby order to impose a major penalty of withholding 20% (twenty percent) pension permanently under Rule-9 of APRPR 1980 r/w Rule-9 of APCS (CCA) Rules, 1991 against Sri M. Kotaiah, former Senior Assistant, MP, Vinjamur, Nellore District (now retired), on the allegation of corruption and misappropriation of Government funds under various schemes.

8. The Engineer-In-Chief, Panchayat Raj, Vijayawada/Chief Executive Officer, ZP, SPSR Nellore shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri M. Kotaiah, former Senior Assistant, MP, Vinjamur, Nellore District (now retired) (through ENC, PR, Vijayawada and Chief Executive Officer, ZP, SPSR Nellore District)

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The Engineer-in-Chief, Panchayat Raj, Vijayawada (in duplicate with a request to obtain and furnish the dated acknowledgment of the orders)
The Chief Executive Officer, ZP, SPSR Nellore District (in duplicate with a request to obtain and furnish the dated acknowledgement of the orders)
The Accountant General, A.P., Vijayawada.

Copy to:

The Secretary, APVC, Secretariat Building-5, Velagapudi.
The Secretary, APPSC, Vijayawada (w.r.t letter in Computer No.1744770, Dt:16.09.2022)
The Director of Treasuries & Accounts, A.P., Ibrahimpatnam, Vijayawada.
The Superintending Engineer, Panchayati Raj, Nellore.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER